

**Baker & Hostetler LLP**

45 Rockefeller Plaza  
New York, NY 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201  
David J. Sheehan  
Nicholas J. Cremona  
Michael R. Matthias

*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC  
and for the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

ESTATE OF ELIZABETH H. KAHN aka BETTY  
KAHN, JEAN A. KAHN, as executrix and as an  
individual, RUTH E. KAHN, GERARD HESLIN,  
THOMAS HESLIN, RENFORD WILLIAMS,  
CYNTHIA SWASO, and JANN JONES,

Defendants.

Adv. Pro. No. 10-04960 (SMB)

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL OF  
ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”), by and through his counsel, Baker & Hostetler LLP, and defendants Estate of Elizabeth Kahn aka Betty Kahn, Jean A. Kahn, Ruth E. Kahn and Jann Jones (collectively, “Defendants”), by and through their counsel, Lax & Neville LLP (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 2, 2010, the Trustee filed the Complaint against Defendants.
2. On September 18, 2015, Defendants served an answer on the Trustee.
3. Pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [Dkt. No. 3181], the Parties entered into a Settlement Agreement and Release on November 30, 2015.
4. Pursuant to the terms of the Settlement Agreement and Release, and in accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with prejudice of the Trustee’s claims against Defendants in the above-captioned adversary proceeding and dismissing the adversary proceeding with prejudice.
5. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.
6. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and

the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: January 7, 2016

Of Counsel:

**BAKER & HOSTLER LLP**

11601 Wilshire Boulevard, Suite 1400  
Los Angeles, California 90025-0509  
Telephone: 310.820.8800  
Facsimile: 310.820.8859  
Michael R. Matthias  
Email: mmatthias@bakerlaw.com

**BAKER & HOSTETLER LLP**

By: s/ Nicholas J. Cremona  
45 Rockefeller Plaza  
New York, New York 10111  
Telephone: 212.589.4200  
Facsimile: 212.589.4201  
David J. Sheehan  
Email: dsheehan@bakerlaw.com  
Nicholas J. Cremona  
Email: ncremona@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee for the  
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and for the Estate of Bernard L. Madoff*

**LAX & NEVILLE LLP**

By: s/ Raquel Kraus  
1450 Broadway, 35<sup>th</sup> Floor  
New York, New York 10018  
Barry R. Lax, Esq.  
blax@laxneville.com  
Brian J. Neville, Esq.  
bneville@laxneville.com  
Raquel Kraus, Esq.  
rkraus@laxneville.com

*Attorneys for Defendants*

SO ORDERED

Dated: January 8<sup>th</sup>, 2016  
New York, New York

/s/ STUART M. BERNSTEIN  
HON. STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE